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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on January 27, 2009

Date of Meeting: October 21, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:42 p.m., on Tuesday, October 21, 2008, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2 (Electronic Attendance)
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Mike Letcher	Deputy City Manager

Roger W. Randolph, City Clerk, announced Council Member Glassman was unable to be present for the evening's meeting, but he would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Glassman advised the City Clerk of his location, and assured him that no one else was present in the room with him. Council Member Glassman could vote on all matters in the same way as those members physically present as long as he participated in any of the discussion, and was not just present for the vote. On the evening's agenda, all votes would be done by roll call rather than a voice vote.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Chaplain Bradley Kimble, Davis Monthan Air Force Base, after which the Pledge of Allegiance was led by Boy Scout Troop 250 and Boy Scout Troop 270.

Presentations:

- a. Mayor Walkup proclaimed October 19, 2008, to October 25, 2008, to be "National Save for Retirement Week." Michael Hermanson, Tucson Supplemental Retirement System, Finance Manager, accepted the proclamation.
- b. Mayor Walkup proclaimed October to be "Arizona Archives Month." Deborah Shelton from the Arizona Historical Society accepted the proclamation.

Roger W. Randolph, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 565, dated October 21, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Uhlich thanked the Tucson Police Department for hosting a Safety Fair at the Northwest Neighborhood Center on October 11, 2008. Also, an additional Safety Fair would be held on October 25, 2008, at Keeling Elementary School. She said the Tucson Police Department had gone to great efforts in partnering up with neighborhoods and residents to help with crime prevention efforts.

Vice Mayor Uhlich thanked Lieutenant Jim McShea, Tucson Police Department, who worked a case in La Madera Neighborhood to solve a violent crime that resulted in five arrests.

Vice Mayor Uhlich acknowledged Lieutenant Frank Greene, who worked with the Grant/Alvernon initiative on crime, and did an excellent job to help follow up when incidents of crime occurred. Additionally, the leadership of Captain Brett Klein and Captain David Neri continued to serve the Tucson community well.

Vice Mayor Uhlich announced on October 25, 2008, Ward 3 was having a “Growing Cooler” event in honor of their efforts to green up Ward 3. There would be a plant exchange and the event would be highlighted by their water harvesting project which was a beautiful garden that thrived on rainwater. Food and information would also be available.

- b. Council Member Trasoff announced this past weekend there was a book-signing event at the Ward 6 office. The book called *Desert Living is Different* was an environmental guide for newcomers and a project written and illustrated by kindergarten through twelfth grade students from throughout the Tucson area. It was part of a writing project through the University of Arizona, Department of English, called “The Southern Arizona Writing Project.”
- c. Council Member Scott said an invitation was extended to Governor Janet Napolitano to stop and visit the solar powered sustainable Ward 4 Council Office on October 18, 2008. A cross section of Ward 4 constituents was also invited to meet and greet the Governor. Governor Napolitano toured the Ward 4 Council Office and graciously invited questions on any topic from those present. Council Member Scott said she wanted to publicly thank the Governor’s staff who worked together with the Ward 4 staff to organize the event in such a short time frame. A great time was had by all.

#### **4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager’s communication number 566, dated October 21, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 568, dated October 21, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Wine Depot, Ward 6  
3844 E. Grant Rd.  
Applicant: Bessie Josie Lietzau  
Series 10, City 64-08  
Action must be taken by: November 9, 2008

Staff has indicated the applicant is in compliance with city requirements.

2. Viro's Italian Bakery Cafe, Ward 2  
8301 E. 22nd St.  
Applicant: Victor A. Croce  
Series 12, City 65-08  
Action must be taken by: November 10, 2008

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

3. Chinese Combo Kyo Sushi, Ward 4  
9040 E. Valencia #188  
Applicant: Ung Van Vo  
Series 7, City 66-08  
Action must be taken by: November 13, 2008

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: Bevan A Bluemer  
City T84-08  
Date of Event: December 4, 2008  
(Promotional/Marketing Event/"Girls Night Out")

Staff has indicated the applicant is in compliance with city requirements.

2. Holy Family Roman Catholic Parish, Ward 1  
338 W. University  
Applicant: David B. Nehmer  
City T85-08  
Date of Event: November 8, 2008 - November 9, 2008  
(Annual fiesta fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Child & Family Resources, Inc., Ward 6  
2800 E. Broadway  
Applicant: Eric Schindler  
City T88-08  
Date of Event: November 8, 2008  
(To raise money)

Staff has indicated the applicant is in compliance with city requirements.

4. Tucson's Young Professionals, Inc., Ward 1  
140 N. Main Ave.  
Applicant: Megan Leslee Pellman  
City T91-08  
Date of Event: November 7, 2008  
(To promote community event in downtown Tucson)

Staff has indicated the applicant is in compliance with city requirements.

5. AZ Hemophilia Association, Ward 6  
3400 E. Camino Campestre  
Applicant: Jill Marie Conway  
City T96-08  
Date of Event: November 8, 2008  
(Raise funds for the organization)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Vice Mayor Uhlich, duly seconded, to forward liquor license applications 5b1 through 5b3, and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation of approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to forward liquor license applications 5b1 through 5b3, and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 6 to 0.

**6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations. The call to the audience was scheduled to last thirty minutes.

Mayor Walkup said he had a special person he wanted to call first. He called Chad McKinley and Geoff Gonzales, Management Assistant, City Clerk's Office. He said Mr. McKinley was present last week and wanted to address the Mayor and Council again.

- a. Chad McKinley and Geoff Gonzales represented the Southern Arizona Network for Down Syndrome. They spoke about the Tucson Buddy Walk, which would benefit citizens with Down Syndrome.

Mayor Walkup announced it was his pleasure to call the former Mayor George Miller.

- b. George Miller, a board member of Job Path, spoke about its positive effect in the community and asked the Council to direct funds toward public social services.

- c. Richard DeBernardis, director and founder of “El Tour de Tucson,” thanked the Mayor, Council and City staff for their services and support. He said the annual Mayor’s Ride would be incorporated into the El Tour de Tucson to eliminate the expenses.
- d. Michael Toney spoke about previous bond issues and current intergovernmental agreements between the City of Tucson and the University of Arizona Science Center. He also spoke about the financing of the Tucson Convention Center and Rio Nuevo.
- e. Wendy Dewey, Executive Director for Direct Center for Independence, urged the Mayor and Council to reconsider budget cuts to the human service areas that affected vulnerable groups of people.
- f. Lucy Lim spoke in opposition to the proposed winter closing of the Archer Center Pool.
- g. Andrea Robson, Pima County Interfaith Council, spoke in opposition to budget cuts to outside agency funds.
- h. James Fleckles spoke in opposition to budget cuts to outside agency funds.
- i. William Stead spoke in support of creative ways to prevent the winter closing of the Archer Center Pool.
- j. Arnold Palacios, Executive Director of Tucson Youth Development, spoke in opposition to budget cuts to outside agency funds.
- k. Ellen Caldwell spoke in opposition to closing the Archer Center Pool.
- l. Frank R. Ott spoke in opposition to closing the Archer Center Pool and suggested raising the fee, instead.
- m. Monica Mueller, Executive Director of the Pima County/Tucson Women’s Commission, spoke in opposition to the proposed cuts to outside agency funding.
- n. Linda Stead expressed concern about the closing of the Archer Center Pool and suggested involving the community to find an alternative solution.
- o. Hermi Cubillos, representing Job Path, asked the Mayor and Council to consider pulling Item “L” from the Consent Agenda to be able to have some discussion.
- p. Lisa Jones asked the Mayor and Council to reconsider cutting leisure classes from the budget.

**7. CONSENT AGENDA – ITEMS A THROUGH N**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

**A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA NETWORK FOR DOWN SYNDROME FOR THE 2008 TUCSON BUDDY WALK**

1. Report from City Manager OCT21-08-569 WARD 1
2. Resolution No. 21119 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona Network for Down Syndrome (SANDS) to help support funding the 2008 Tucson Buddy Walk event to be held on October 25, 2008 at Reid Park; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows:  
Council Member Romero - \$100.00

**B. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON MOUNTAINS ASSOCIATION FOR A RIBBON CUTTING CELEBRATION AT SWEETWATER PRESERVE**

1. Report from City Manager OCT21-08-570 WARD 1
2. Resolution No. 21120 relating to Finance; approving and authorizing the allocation of One Hundred Fifty Dollars (\$150) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Tucson Mountains Association to help support funding a city and county ribbon cutting celebration for the little league fields and equestrian staging area, and trail improvements at Sweetwater Preserve, to be held on October 26, 2008 at Columbus Park; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows:  
Council Member Romero - \$150.00

**C. TUCSON CODE: AMENDING (CHAPTER 10A) CREATING THE INDEPENDENT AUDIT AND PERFORMANCE COMMISSION**

1. Report from City Manager OCT21-08-571 CITY-WIDE



2. Ordinance No. 10598 relating to Boards and Commissions; amending the Tucson Code Chapter 10(A), Community Affairs, by adding a new Article XI, Independent Audit and Performance Commission; and declaring an emergency.
- D. FINAL PLAT: (S07-200) THE AVENUE LOFTS, UNITS 101 TO 110, COMMON ELEMENTS “A” AND “B” AND LIMITED COMMON ELEMENTS “A” TO “U”
1. Report from City Manager OCT21-08-573 WARD 6
  2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. FINAL PLAT: (S06-168) LEE STREET APARTMENTS, LOTS 1 TO 9
1. Report from City Manager OCT21-08-574 WARD 6
  2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. GRANT APPLICATION: FOR FEDERAL BROWNFIELDS FUNDS TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE OLD FORT LOWELL HISTORIC RESTORATION PROJECT
1. Report from City Manager OCT21-08-575 WARD 2
  2. Resolution No. 21121 relating to redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for Federal Brownfields funds for the cleanup of the Former Steel and Tank Manufacturing Property (Old Fort Lowell Historic Restoration Project), 5460 E. Fort Lowell Road, Tucson, Arizona, tax parcel numbers 110-090-330, 110-090-32B, 110-090-32A, 110-090-340 and 110-090-350; and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR THE ARIZONA VEHICLE THEFT TASK FORCE
1. Report from City Manager OCT21-08-576 CITY-WIDE
  2. Resolution No. 21122 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Public Safety regarding the Arizona Vehicle Theft Task Force; and declaring an emergency.

- H. PROFESSIONAL SERVICES CONTRACT AMENDMENT: WITH HEINFELD, MEECH AND CO., P.C. TO INCLUDE SPECIFIC AUDITS
1. Report from City Manager OCT21-08-572 CITY-WIDE
  2. Resolution No. 21123 relating to Procurement; authorizing the Director of the City of Tucson Department of Procurement to amend Contract No. 081063 with Heinfeld, Meech & Co., P.C. to include specific audits; and declaring an emergency.
- I. GRANT APPLICATION: TO THE PASCUA YAQUI TRIBE IN SUPPORT OF THE HAVEN
1. Report from City Manager OCT21-08-577 CITY-WIDE
  2. Resolution No. 21124 relating to Finance; authorizing and approving a Grant Application to the Pasqua Yaqui Tribe in support of The Haven and disbursement of gaming monies; an declaring an emergency.
- J. APPROVAL OF MINUTES
1. Report from City Manager OCT21-08-580 CITY-WIDE
  2. Approval of minutes for the regular meeting of the Mayor and Council held on September 3, 2008.
- K. REAL PROPERTY: AMENDMENT TO THE AGREEMENT TO SELL CITY PROPERTY LOCATED AT 345 EAST TOOLE AVENUE TO MADDEN PREPRINT MEDIA, LLC
1. Report from City Manager OCT21-08-581 WARD 6
  2. Ordinance No. 10599 relating to real property; authorizing and approving the First Amendment to the Agreement for sale of the property located at 345 E. Toole Avenue to Madden Preprint Media, LLC; and declaring an emergency.
- L. AGREEMENTS: RENEGOTIATION AND AMENDMENT OF FISCAL YEAR 2009 CONTRACTS WITH VARIOUS OUTSIDE AGENCIES
1. Report from City Manager OCT21-08-578 CITY-WIDE

2. Resolution No. 21126 relating to Financial Participation Agreements, Memoranda of Understanding and Enhanced Services Agreements; authorizing the City Manager to negotiate and execute amendments to the FY2009 agreements between the City of Tucson and certain enumerated agencies to reduce City funding under those agreements by ten percent (10%); and declaring an emergency.

M. FINANCE: AUTHORIZING CITY MANAGER TO IMPLEMENT NECESSARY EXPENDITURE ADJUSTMENTS FOR FISCAL YEAR 2009

1. Report from City Manager OCT21-08-582 CITY-WIDE
2. Resolution No. 21127 relating to Fiscal Year 2009 Budget Expenditures; authorizing the City Manager to implement necessary expenditure adjustments during Fiscal Year 2009 due to a shortfall in projected revenues; directing the City Manager to inform the Mayor and Council of expenditure adjustments; and declaring an emergency.

Item M was considered separately at the request of Vice Mayor Uhlich.

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO KORE PRESS FOR THEIR POWDER BOOK LAUNCH 2008 EVENT

1. Report from City Manager OCT21-08-583 WARD 5
2. Resolution No. 21128 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Ward 5 Council Office Community Support Fund, Account No. 001-183-1898-268, to Kore Press to help support funding their Powder Book Launch 2008 event to be held on November 11, 2008; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:  
Council Member Leal - \$250.00

Roger W. Randolph, City Clerk, announced Council Member Romero would be adding \$100.00 and Council Member Trasoff would be adding \$200.00, making the new total \$550.00.

Item N was considered separately at the request of Vice Mayor Uhlich.

Mayor Walkup asked if there was a motion.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through L, with the exception of Items M and N, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through L, with the exception of Items M and N, which would be considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

## **7. CONSENT AGENDA – ITEM M**

### **M. FINANCE: AUTHORIZING CITY MANAGER TO IMPLEMENT NECESSARY EXPENDITURE ADJUSTMENTS FOR FISCAL YEAR 2009**

1. Report from City Manager OCT21-08-582 CITY-WIDE
2. Resolution No. 21127 relating to Fiscal Year 2009 Budget Expenditures; authorizing the City Manager to implement necessary expenditure adjustments during Fiscal Year 2009 due to a shortfall in projected revenues; directing the City Manager to inform the Mayor and Council of expenditure adjustments; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Vice Mayor Uhlich.

Vice Mayor Uhlich said pursuant to the conversation that the Mayor and Council had that afternoon in Study Session, she wanted to make sure that the process to have a study session prior to items appearing on the Consent Agenda would happen. She asked Michael Rankin, City Attorney, to read the language into record.

Michael Rankin, City Attorney, said as mentioned earlier in Study Session, Resolution 21127 would be amended to add a new Section 1 that read, “The City Manager is directed to update and inform the Mayor and Council in a timely manner of any recommended budget adjustments for consideration and approval.”

It was moved by Vice Mayor Uhlich, duly seconded, to pass and adopt Consent Agenda Item M, as amended.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Item M, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

## **7. CONSENT AGENDA – ITEM N**

### **N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO KORE PRESS FOR THEIR POWDER BOOK LAUNCH 2008 EVENT**

1. Report from City Manager OCT21-08-583 WARD 5
2. Resolution No. 21128 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Ward 5 Council Office Community Support Fund, Account No. 001-183-1898-268, to Kore Press to help support funding their Powder Book Launch 2008 event to be held on November 11, 2008; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:  
Council Member Leal - \$250.00

Roger W. Randolph, City Clerk, announced Council Member Romero would be adding \$100.00 and Council Member Trasoff would be adding \$200.00, making the new total \$550.00.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Vice Mayor Uhlich.

Vice Mayor Uhlich said she recused herself because her partner worked at Kore Press and on this specific project.

It was moved by Council Member Scott, duly seconded, to pass and adopt Consent Agenda Item N, as amended.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Item N, as amended, was declared passed and adopted by a roll call vote of 5 to 0. (Vice Mayor Uhlich recused herself.)

**8. PUBLIC HEARING: ESTABLISHING POLICY GUIDELINES AND APPLICATION PROCEDURES FOR COMMUNITY FACILITIES DISTRICTS**

Mayor Walkup announced City Manager's communication number 579, dated October 21, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing to establish policy guidelines and application procedures that would outline the requirements and process for the establishment of Community Facilities Districts within the City of Tucson. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Michael Toney said it looked like the Mayor and Council had another tool for their toolbox from the State Legislature. He said it was quite obvious that if the Real Property (RP) revenue bonds were all revenue bonds, there would be no election required for those facility districts. The concept was rather intriguing. The concepts of the new *General Plan* and the new kind of green vision that the gentlemen gave through Council Members Rodney Glassman and Steve Leal a week or two ago, was how to develop the green space to narrow the roads. He said if there were wide trash vehicles and wide fire trucks and one was going to go out and annex, one had to set up those districts. If not, it would just generate a heat island and the whole situation across Arizona would turn into a heat island which would deplete the water table.

Mr. Toney said it would be very difficult if the Council Members would not share the same vision that the gentleman had portrayed. He said Council Members Leal and Glassman, and everyone, seemed that it would get very problematic to go back and try to integrate that into the totality of what was going on. He said, for instance, and he was not sure how many people had read the *Land Use Code*, but he knew how cumbersome it was and that it needed to be changed. When the *General Plan* would get approved by voters, followed through, and had the consistency in line with the discretion of the members of City Council, typically, the green aspects were not followed through. For example, he asked what was this business about "green" and integrating green building standards. If there was a big palm tree and seventy-five percent of the green branches were cut off, and that was what these people liked to do for some reason, he did not understand why green branches were being cut off. By cutting off seventy-five percent of the green branches, it

would reduce the purification of the air and also reduce the amount of shadowing that would go down in parking lots. He said palm trees generated quite a bit of shadow. If they were not native to Tucson, it would not necessarily mean the trees needed to be weeded out and one should have a little respect for the environmental principals. Regarding the *General Plan*, it would be nice, in conjunction, to have some environmental principals.

Mr. Toney said, regarding the question of general bonds raised in the pamphlets, it related to this public hearing and raised questions on elections. He said it was not specific, it just said questions on elections. He said he was just saying this for the people of Tucson. "You will do, as you will," as Aleister Crowley said, "do what thou will shall be the whole of the law." He said this was the way Mayor and Council liked to operate. If he did not like the constitution or statute, he would try to change it, but he did not like to break the law. He said more clarification was needed in terms of what constituted a general obligation bond. If someone was going to set those districts up that would generate general obligation bonds, and nobody was living there, it seemed to be rather problematic that there would be no one to approve that. He said, in ending, he would just mention Rio Nuevo as a district. He said the entire City of Tucson voted for the Rio Nuevo bond package that was part of Proposition 400. There had to be consideration of not trying to generate a general obligation bond without having the people who were going to be putting the money into the general fund, who may be retiring those bonds in the future. They would have to, according to Article 7, Section 13 of the Arizona State Constitution, be allowed a vote to approve or disapprove prior to issuance of those bonds. He ended by thanking the Mayor and Council.

John Briemond, represented KB Homes and said he was present tonight to speak in favor of the ordinance. He was very much a proponent of Community Facilities District (CFD) financing, and it was a critically needed means of supplying infrastructure for new construction. He said he thought it was something that accomplished a stated goal of the City, which was to have new development pay for itself. As Mayor and Council were aware, the payment of the bonds came from the benefit district and was fully contained. One thing that he heard discussed frequently, as that issue was being discussed, was how financing was going to impact the homeowners in the case of residential use. He said generally speaking, in his experience, the market actually took care of itself in that regard. What would happen, would be that communities that were subject to CFD financing generally were sold at a discount relative to a comparable community that would not be subject to the discount. So, by way of example, if a home were to sell for one hundred and fifty thousand dollars and was outside of the district, typically a comparable home within the district would have to sell for one hundred and forty five thousand dollars to keep the payment on par. That was something that was done over and over again. The buying public certainly discriminated with regard to that issue. They did their homework well and demanded that.

Mr. Briemond said the final issue he would speak about was of disclosure. He knew that was also of great concern. He said being in the home building community, they were very accustomed to providing full disclosure, as the packet described, and State

law required that also be done. Disclosure was something they were very happy to provide. He said he knew one of the stated goals of this particular ordinance was to have notice provided to the City on each and every transaction. He said he thought he could speak for the home building community, that they were happy to provide full disclosure. He thanked the Mayor and Council.

David Malin, Senior Project Manager of Vestar Development, said they were in the beginning stages of planning a nine hundred and fifty thousand square foot shopping center on ninety-four acres as part of the University of Arizona Science and Technology Park. The project required an extraordinary amount of public infrastructure, whether it would include roads, water lines or sewer lines. The City of Tucson was not in the situation to provide that infrastructure or provide monies to developers to provide that infrastructure. They viewed the CFD as almost the last resort to be able to have a financing mechanism or financing vehicle only and not just to give away. Mr. Malin said this would allow them, as developers, to finance millions of dollars that would come out of pocket up front completely at their own risk to provide this extraordinary infrastructure with no risk to the City. Also, based on their performance with the project on their leasing, they would be able to recoup that investment that they would provide. It was as direct and concise as that. He said they were very excited to be in the City of Tucson right now planning this project and hoped to be able to continue with the project. As mentioned before, the CFD was an integral part of the project in becoming a reality. He said he encouraged the Mayor and Council's support in passing the policy and thanked them very much for the opportunity to speak.

David Godlewski was the government liaison for the Southern Arizona Home Builders Association (SAHBA). He thanked the Mayor and Council for their continued hard work and their consideration of CFDs. SAHBA was supportive of CFDs and believed that would be a beneficial tool for the residential community as long as they were fair, equitable and applied in accordance with State law.

Peter Douglas said he was a fifth generation Southern Arizonan, so he had a long history in the area. He was also in the commercial real estate business for thirty five years and had seen the CFDs in many municipalities in Arizona and California. They were a tremendous tool to take relatively large portions of land and be able to develop them in a really good, concise, and well-planned manner in a mixed-use development. He said he would highly encourage the Mayor and Council to push that forward, because it would be an excellent tool for the continuing growth and development for the City of Tucson and Pima County.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Scott, duly seconded, to close the public hearing.



Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The motion to close the public hearing was declared passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Resolution 21125 by number and title only.

Resolution No. 21125 relating to Community Facilities Districts; authorizing and approving the Policy Guidelines and Application Procedures for the Establishment of Community Facilities Districts; and declaring an emergency.

Mayor Walkup asked the Council's pleasure and recognized Council Member Trasoff.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 21125.

Mayor Walkup asked if there was any discussion and recognized Vice Mayor Uhlich.

Vice Mayor Uhlich said she requested this hearing and although the Resolution was poised to be adopted prior, she wanted to say she appreciated the City Manager's Office, Mr. Hein, Mr. Letcher, and staff that were involved to help her understand this procedure. She also thanked Council Member Scott and Max Torres from Ward 4, who came to her office to help her sort through some of her lingering concerns. She said she thought Mr. Briemond pointed to a key concern of how homeowners were affected. Also, the pricing information he offered was really reassuring to her and hit on a key point.

Vice Mayor Uhlich said a second point was offered by Mr. Malin, and for whatever reason, she did not understand that the bonds were issued after everything was completed, so that the revenue source was guaranteed essentially prior to the issuance of the bonds. She said she just did not want to put the City in an obvious situation where there would not be assets or a revenue stream for those bonds. She said with those thoughts, she was pleased to be in favor of the resolution.

Council Member Trasoff commented that her concern was the disclosure. However, it was taken care of and it was going to be quite thorough, so she also was in favor of the resolution.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Resolution 21125 was declared passed and adopted by a roll call vote of 6 to 0.

## **9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 567, dated October 21, 2008, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Trasoff, duly seconded, to appoint Leslie Carlson and Susan Soto as a Community Partner to the Metropolitan Housing Commission.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, and Trasoff;  
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

The appointments were declared passed and adopted by a roll call vote of 6 to 0.

Mayor Walkup asked if there were personal appointments to be made.

Council Member Romero announced her appointment of Kathy Cooper to the Public Education and Government Television Channel Task Force.

Council Member Scott announced her appointment of Dr. Pamela M. Rhatigan to the Tucson Commission on Disability Issues.

**10. ADJOURNMENT:** 7:05 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on November 4, 2008, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 21<sup>st</sup> day of October 2008, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:ds